

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Binnig et al.

Serial No.:

Filed : July 27, 06

For: COMPONENTIZED AUTOMATIC PROVISIONING AND MANAGEMENT OF
COMPUTING ENVIRONMENTS FOR COMPUTING UTILITIES

Date: August 24, 2006

Docket No.: YOR920030588US1

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached papers:

Replacement Transmittal Letter to the United States Designated/Elected Office
(DO/EO/US) Concerning a Filing Under 35 U.S.C 371, (2 pages) and

Replacement Preliminary Amendment (15 pages)

is being facsimile transmitted under Rule 37 CFR 1.6(d) to the U.S. Patent and Trademark
Office, to (571-270-9973), on the date shown above.



Dr. Louis P. Herzberg

Registration No. 41,500

TRANSMITTAL LETTER

Attn.: Examiner Terry Johnson-Vessels,

Voice: 703-308-9140 x221

Dear Ms. Johnson-Vessels:

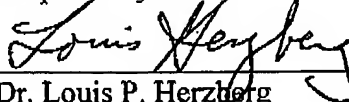
In response to your phone call today, I am faxing:

Replacement Transmittal Letter to the United States Designated/Elected Office
(DO/EO/US) Concerning a Filing Under 35 U.S.C 371,

Replacement Preliminary Amendment,

correcting in several places the International Patent Application number to PCT/US2004/002637,
the docket number to YOR920030588US1, and the customer number to 54856. Charge any fees
due to account No. 50-0510.

Respectfully submitted



Dr. Louis P. Herzberg

Registration No. 41,500

Customer Number: 54856

Tel/Fax: 845-352-3194

Approved for use through 3/31/2007. OMB 0651-0021

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

under the Paperwork Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER YOR920030588US1
INTERNATIONAL APPLICATION NO. PCT/US2004/002637	INTERNATIONAL FILING DATE January 30, 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) PRIORITY DATE CLAIMED January 30, 2004
TITLE OF INVENTION COMPONENTIZED AUTOMATIC PROVISIONING AND MANAGEMENT OF COMPUTING ENVIRONMENTS FOR COMPUTING UTILITIES		
APPLICANT(S) FOR DO/EO/US International Business Machines Corporation		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and Other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and 21 indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ are attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Unexecuted Declaration and Power of Attorney

this collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FORM PTO-1390 (Rev. 07-2004)
U.S.

Approved for use through 3/31/2007. OMB 0851-0021

DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

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number:

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/002637		ATTORNEY'S DOCKET NUMBER YOR920030588US1	
21. The following fees are submitted:					
___ a) Basic National fee \$300.00				\$	300.00
___ b) Examination fee \$100.00/\$200.00				\$	200.00
___ c) Search fee \$100.00/\$400.00/\$500.00				\$	400.00
TOTAL OF ABOVE CALCULATIONS =				\$	900.00
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
34-100	0/50 =		x \$250.00	\$	0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from earliest claimed priority date (37 CFR 1.49(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	34- 20 =	14	x \$50.00	\$	700.00
Independent claims	7 - 3 =	4	x \$200.00	\$	800.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$	
		\$360.00			
TOTAL OF ABOVE CALCULATIONS =				\$	1,600.00
___ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL				\$	2,400.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE				\$	2,400.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31), \$40.00 per property +				\$	
TOTAL FEES ENCLOSED				\$	2,400.00
Amount to be refunded:				\$	
Amount to be charged:				\$	

a. ___ A check in the amount of \$_____ to cover the above fee is enclosed.

b. ☒ Please charge my Deposit Account No 50-0510 in the amount of \$2,400.00. A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No 50-0510. A duplicate copy of this sheet is enclosed.d. ___ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: 54858

Louis Herzberg
 SIGNATURE
 Louis P. Herzberg
 NAME

Express Mail Label No.: EQ 619695080US

FORM PTO-1390 (REV. 7-2004)

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41,500
 REGISTRATION NUMBER